

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

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ANDREA LAURAI,

Plaintiff,

vs.

UNITED STATES OF AMERICA and
BERT CHRIS HEITSTUMAN,

Defendants.

CLERK, U.S. DISTRICT COURT
ANCHORAGE, AK

Case No. 3:20-cv-00210-SIG

BERT CHRIS HEITSTUMAN ANSWER TO THIRD AMENDED COMPLAINT

Bert Chris Heitstuman, pro se, hereby submits this Answer to the Plaintiff's Third Amended Complaint.

1. Bert Chris Heitstuman lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the complaint.
2. The allegations in Paragraph 2 of the complaint relate to jurisdiction to which no answer is required. If an answer is deemed necessary, Bert Chris Heitstuman admits that this suite is brought pursuant to the Federal Tort Claims Act.
3. The allegations in Paragraph 3 of the complaint relate to venue to which no answer is required. If an answer is deemed necessary, Bert Chris Heitstuman, lacks knowledge or information sufficient to for a belief as to the truth of the allegations.

4. The allegations in Paragraph 4 of the complaint relate to jurisdiction for which no answer is required. If an answer is deemed necessary, Bert Chris Heitstuman, lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
5. The allegations in Paragraph 5 of the complaint relate to jurisdiction for which no answer is required. If an answer is deemed necessary, Bert Chris Heitstuman lacks knowledge or information sufficient to form a belief as to the truth of the allegations.
6. Bert Chris Heitstuman admits the allegations stated in paragraph 6 of the complaint.
7. Bert Chris Heitstuman lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 of the complaint.
8. Bert Chris Heitstuman lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 of the complaint.
9. Bert Chris Heitstuman denies the allegations stated in Paragraph 9 of the complaint.
10. Bert Chris Heitstuman denies the allegations stated in Paragraph 10 of the complaint.
11. Bert Chris Heitstuman denies the allegations stated in Paragraph 11 of the complaint.
12. Bert Chris Heitstuman denies the allegations stated in Paragraph 12 of the complaint.
13. Bert Chris Heitstuman denies the allegations stated in Paragraph 13 of the complaint.

14. Bert Chris Heitstuman denies the allegations stated in Paragraph 14 of the complaint.

15. Bert Chris Heitstuman denies the allegations stated in Paragraph 15 of the complaint.

16. Bert Chris Heitstuman admits the allegations stated in the first sentence of Paragraph 16 of the complaint. Bert Chris Heitstuman denies the allegations stated in the second and third sentences of Paragraph 16 of the complaint.

17. Bert Chris Heitstuman admit that the referenced indictment made allegations against him but denies that the allegations referenced therein occurred.

18. Bert Chris Heitstuman lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18 of the complaint. Bert Chris Heitstuman denies the second sentence of Paragraph 18 of the complaint to the extent that it states an allegation against him.

19. Bert Chris Heitstuman lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19 of the complaint.

20. Denied.

21. Bert Chris Heitstuman incorporates his previous responses.

22. Denied.

23. Bert Chris Heitstuman incorporates his previous responses.

24. Denied.

25. Bert Chris Heitstuman denies the allegations in paragraph 25 of the Complaint. To the extent that the allegations set forth a legal conclusion and question of law, no response is required.

26. Bert Chris Heitstuman incorporates his previous responses.

27. Denied.

28. Bert Chris Heitstuman incorporates his previous responses.

29. Denied.

30. Bert Chris Heitstuman denies the allegations in paragraph 30 of the Complaint. To the extent that the allegations set forth a legal conclusion and question of law, no response is required.

31. Bert Chris Heitstuman incorporates his previous responses.

32. Denied.

33. Bert Chris Heitstuman incorporates his previous responses.

34. Denied.

35. Bert Chris Heitstuman denies the allegations in paragraph 35 of the Complaint. To the extent that the allegations set forth a legal conclusion and question of law, no response is required.

36. Bert Chris Heitstuman incorporates his previous responses.

37. Denied.

38. Denied.

39. Bert Chris Heitstuman incorporates his previous responses.

40. Denied.

41. Bert Chris Heitstuman denies the allegations in paragraph 35 of the Complaint. To the extent that the allegations set forth a legal conclusion and question of law, no response is required.

42. Bert Chris Heitstuman incorporates his previous responses.

43. Denied.

44. Denied.

45. Bert Chris Heitstuman incorporates his previous responses.

46. Denied.

47. Bert Chris Heitstuman denies the allegations in paragraph 35 of the Complaint. To the extent that the allegations set forth a legal conclusion and question of law, no response is required.

48. Bert Chris Heitstuman incorporates his previous responses.

49. The allegations in paragraph 49 of the complaint state a legal conclusion to which no answer is required.

50. Bert Chris Heitstuman denies the allegations stated in Paragraph 50 of the complaint and further states that he lacks knowledge or information sufficient to form a belief as to the knowledge of the United States.

51. Bert Chris Heitstuman denies the allegations stated in Paragraph 51 of the complaint and further states that he lacks knowledge or information sufficient to form a belief as to the knowledge of the United States.

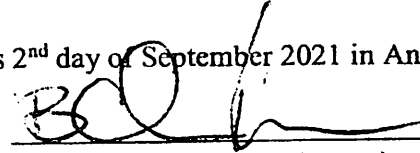
52. Bert Chris Heitstuman incorporates his previous responses.
53. The allegations in paragraph 49 of the complaint state a legal conclusion to which no answer is required.
54. Bert Chris Heitstuman incorporates his previous responses.
55. These allegations pertain to a cause of action that has been dismissed, therefore no response is required.
56. These allegations pertain to a cause of action that has been dismissed, therefore no response is required.

AFFIRMATIVE DEFENSES

1. Plaintiff failed to state a claim upon which relief can be granted.
2. Bert Chris Heitstuman did not cause any injuries or damages, negligently or wrongfully, as alleged by Plaintiff.
3. In the event that the Court finds Bert Chris Heitstuman negligent, which negligence Bert Chris Heitstuman denies, Plaintiff, the United States, and/or third parties contributed to the injuries alleged and, therefore, any recovery by Plaintiff must be extinguished or proportionally reduced.
4. Plaintiff's recovery, if any, should be restricted to damages allowable by Alaska statutory and/or common law.
5. Plaintiff's claims and recovery, if any, are subject to and limited by the legal duty that Plaintiff reasonably mitigate her damages.
8. Plaintiff has failed to exhaust her administrative remedies.

9. Bert Chris Heistuman asserts that he has, or may have, additional affirmative defenses that are not known at this time, but which may be ascertained through discovery. Bert Chris Heistuman specifically preserves these and other affirmative defenses as they are ascertained through discovery.

Respectfully submitted this 2nd day of September 2021 in Anchorage, Alaska.



Bert Chris Heistuman (pro se)

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ANCHORAGE, AK 99508

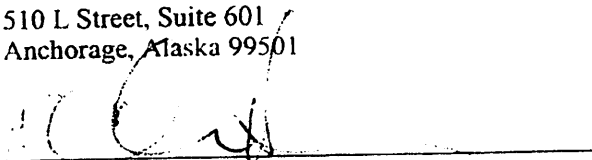
I hereby certify that on September 2, 2021, a true and correct copy of the foregoing was served by mail on:

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Bert Chris Heistuman
September 2, 2021